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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,291

03/12/2004

Pamela Dawn Grisham

5188

7590

09/26/2006

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EXAMINER

PATEL, TAJASH D

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,291

Applicant(s)

GRISHAM ET AL.

Examiner

Tejash D. Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 7-8, 10-13, and 15-21 are objected to because of the following informalities:
Claims 7-8, 10-13, and 15-21 are dependent on cancel claim 1 (Filed 6/30/06). For examination purposes the above claims have been examined as being dependent on claim 6. Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Sartena (US 6,971,566). Sartena discloses a method of holding loose clothing (11) around the waist by holding the sleeves together with an item (36,37) not coupled to the clothing, col. 3, lines 45-52 and col. 4, lines 15-22 and as shown in figures 2 and 7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8 and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sartena (US 6,971,566) in view of Reiber (US 6,081,925).

Sartena discloses a method of holding loose clothing (11) around the waist by holding the sleeves together with an item/fastener (36,37) not coupled to the clothing, col. 3, lines 45-52 and col. 4, lines 15-22 and as shown in figures 2 and 7

Reiber discloses a method for hold sleeves with a configured, elongated adjustable strap (10) made of textile fabric and at least one layer, col. 3, lines 35-42 and as shown in figure 1. Further, the strap has upper and lower sides that are relatively smooth with uninterrupted surfaces and has a label (28) made of a textile material is sewn to the upper side (14), col. 6, lines 8-13 and as shown in figure 5. The strap is adjustably worn around the sleeves with complementary fastening mechanism of hook and loop material (22A, 22B) on the upper and lower sides that does not transverse the entire length thereof at first and second ends, respectively as show in figures 2A and 2B. Furthermore, the strap worn about the sleeves is substantially perpendicular the waist of the user when the device is fastened as shown in figure

2B. Furthermore, the upper and lower sides of the strap are coupled by stitching thread material therethrough as shown in figures 1 and 3. The hook and loop material on both the upper and lower sides are coupled by stitching thread as shown in figure 3.

It would have been obvious to one skilled in the art at the time the invention was made to substitute the fastener of Sartena with the adjustable strap of Reiber as an alternative but equivalent means for fastening the loose garment about the waist or depending on the end use thereof.

With regard to claims 20-21, col. 6, lines 1-8, of Reiber states that the label can contain various graphics (30). Therefore, it would have been obvious that the label on the strap of Sartena when viewed with Reiber can be of any design that is colored, reflective, etc. depending on the particular application of the device.

Response to Amendment

6. The amendment filed on June 30, 2006 has been considered. In view of such a newly discovered prior art reference has prompted this office action to be made new-non FINAL and the argument are moot.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (571) 273-8300.



**TEJASH PATEL
PRIMARY EXAMINER**

September 14 2006